

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

March 17, 2011

Agenda Item 4

SUBJECT: Zoning Code Implementation - Discussion Items

- Review Authority for Alcohol Sales
- In- Lieu parking Fee

PLANNER: Gregg Ramirez, Senior Planner
(949) 644-3219, gramirez@newportbeachca.gov

SUMMARY

At the March 3, 2011, Planning Commission meeting, the Commission directed staff to prepare an agenda item to discuss the review authority for alcohol sales and in-lieu parking fees.

A) Review Authority for Alcohol Sales

Under the previous zoning code, all alcohol sales, were subject to Use Permit review by the Planning Commission. The updated zoning code changed the review authority for some alcohol sales to the Zoning Administrator through the Minor Use Permit(MUP) process. The table below outlines the changes.

Land Use	Review Authority - Old Code	Review Authority - Current Code
Retail sales (off sale)	Planning Commission	Zoning Administrator
Restaurant – with alcohol sales, close by 11PM	Planning Commission	Zoning Administrator
Restaurant – with alcohol sales, close after 11PM	Planning Commission	Planning Commission
Bars and Nightclubs	Planning Commission	Planning Commission

B) In-lieu Parking Fee

The updated zoning code includes subsection 20.40.130, which reads as follows:

20.40.130 - In-lieu Parking Fee

The number of parking spaces required by Section 20.40.040 (Off-Street Parking Spaces Required) may be reduced if the review authority authorizes the use of an in-lieu fee to be paid by the applicant towards the development of public parking facilities. The in-lieu fee shall be paid to the City-wide Parking Improvement Trust Fund. The amount of the fee and time of payment shall be established by Council resolution.

The current fee is \$150 dollars per year per space waived. This fee was established many years ago and reflects a previous in-lieu parking program established by ordinance. The current program has been held in abeyance for over 12 years, although there are a handful of businesses and property owners who continue to pay the fee as required by conditions of approval. This fee is clearly not sufficient to purchase land and develop new parking lots, as the cost per space may exceed \$100,000 per space based upon the City's recent experience with the development of the expanded Balboa Village parking lot. The City has not prepared the necessary analysis to establish a new fee.

RECOMMENDATION

Discuss and provide direction staff.

Environmental Review

This is a discussion item only and is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Public Notice

Notice of this discussion item was provided with the posting of the agenda included in accordance with applicable law. No additional notice was provided.

Prepared by:

Submitted by:


Gregg Ramirez, Senior Planner


James W. Campbell, Acting Deputy Director